



JFW

Attorney Docket # 4066-23PUS

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Marcel HALBEISEN et al.

Serial No.: 10/562,403

Filed: December 23, 2005

For: Method For Structuring the Surface of a Synthetic Fiber, Device for Carrying Out Said Method, and Fiber That Is Two-Dimensionally Profiled All Around

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 14, 2006  
(Date of Deposit)

Edward M. Weisz

Name of applicant, assignee or Registered Representative

Signature

March 14, 2006  
Date of Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER**

SIR:

Enclosed is a copy of the International Preliminary Examination Report issued in connection with the International Application on which the present U.S. National Phase application is based.

Respectfully submitted,  
COHEN, PONTANI, LIEBERMAN & PAVANE

By

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**Box No. I. Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. This report has been drawn up on the basis of the following **elements\*** (*the replacement sheets received by the receiving office in response to an invitation according to Article 14 are considered in the present report as "originally filed" and are not annexed to the report*):

**Description, pages:**

1-17 as originally filed

**Claims, No.:**

1-10 as originally filed

**Drawings, sheets:**

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets/figs:
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listings (*specify*):

4. ☐ The present report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated as follows (Rule 70.2(c)):

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets/figs:
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listings (*specify*):

*\*If item 4 applies, some or all of those sheets may be marked "superseded".*

**Box No. V. Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive Step (IS)	Yes:	Claims	2-5, 7-10
	No:	Claims	1, 6
Industrial Applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**Insert text here**

**VIII. Certain observations in the international application**

The following observations on the clarity of the claims, descriptions, and drawings or on the question whether the claims are fully supported by the description, are made:

**Insert text here**

**Comments on section V:**

**Reasoned statement with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement**

Reference is made to the following document:

D1: US-A-4 109 356 (MAZZONE CHARLES P) 29th August 1978 (1978-08-29)

**1. Claims 1 and 6 – Inventive Step (Article 33(3) PCT)**

The present application does not fulfill the requirements of article 33(1) PCT because the subject of claims 1 and 6 is not the result of an inventive step in terms of Article 33(3) PCT.

Document D1, which is regarded as the closest prior art in respect to the subject of claims 1 and 6, discloses:

A method and a device for structuring the surface of a synthetic fiber, wherein a substantially cylindrical fiber is provided with a predefined surface structure by means of plastic deformation.

The subject of claims 1 and 6 differs from the known methods and devices by comprising a microlithographically structured embossing roller with a maximum structural fineness of 10 µm.

The solution proposed in claims 1 and 6 of the present application cannot be considered to be inventive for the following reasons (Article 33(3) PCT):

In order to increase the surface of a synthetic fiber a person skilled in the art would make finer the structure of the embossing roller without inventive activity.

**2. Dependent claims**

The additional features of dependent claims 2, 7 and 8 are neither disclosed in the prior art nor are they rendered obvious by it.